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REVIEWS.

Wharton and Stillé's Medical Jurisprudence. Fifth edition. Legal aspect by Frank H. Bowlby; medical aspect by James H. Lloyd, A.M., M.D., Robert Armory, A.M., M.D., Robert L. Emerson, A.M., M.D., Truman Abbe, A.B., M.D. The Lawyers Co-operative Publishing Co., Rochester, 1905. 3 vols. Sheep, pages 2580.

The comprehensive character of this authoritative work, and its importance to the profession, call for somewhat extended notice. Frequently a new edition of a standard text book amounts to but little more than a case digest of newly developed law, but in this case the entire work has been revised and rewritten by a corps of able writers, and presents in every department a vast amount of new matter. In fact, the rapid development of medical science, particularly as to neurology and the physiological action of drugs, has rendered this imperative. In order to retain the work within the compass of three volumes, it has been necessary to exclude some of the original text, where it had become obsolete, and where, in some cases, the propositions were those which had only an incidental bearing upon medical jurisprudence.

In the consideration of the various subjects the treatment has been divided, and that which is peculiarly medical has been developed by physicians who are specialists in each particular class. The first volume, covering over one thousand pages, is given over wholly to Unsoundness of Mind. The first twenty-one chapters are devoted entirely to the legal aspects of insanity, particular attention being given to contracts and wills. The remainder of the volume, by Dr. James H. Lloyd, is written from the standpoint of the physician, citations being given, however, to numerous cases wherein the statements are developed through judicial decision. The vast developments in toxicology have rendered necessary an entire reclassification of the second volume. This has been arranged to accord with the order in which the presence of the various poisons would be developed by chemical analysis, and in accordance with their chemical and physical relations. The use of wood alcohol and carbolic acid in the trades has caused them to assume great importance, and an entire chapter has been accorded to each. The adulteration of food products, and the symptoms and effects of ptomaine poisons has also received extended attention. An exhaustive appendix, digesting a large number of leading cases, is included, and among matters of special interest therein are the recent laws in Massachusetts and Connecticut relating to medical examiners. The third volume, upon Physical Conditions and Treatment, includes the many topics falling naturally under this classification. It is intended to include "all the law as to the rights, duties and liabilities of physicians and surgeons in all their personal relations, and as to situations arising from their acts." Among the numerous new chapters are those accorded to the effects of electricity and upon the causes of sudden death.

Mechanically the work is exceedingly well arranged. The head notes are brief and to the point. Each volume is, in effect, a separate text book upon the particular subject treated, and is separately indexed. Over five thousand new cases have been examined, and reference is made to the Reporter systems, the Lawyers' Reports Annotated and the American reports.

W. F. C.

Jurisdiction and Procedure of the Supreme Court of the United States. By Hannis Taylor, LL.D. The Lawyers' Co-operative Publishing Company, Rochester, 1905. Sheep, pages lxvi and 1007.

This is an admirable treatise. In both conception and execution it may well be said to accentuate the high esteem in which its distinguished author is held. It will be indispensable to the Federal practitioner, and should prove of marked interest to all jurists and students of constitutional law and that unique tribunal, without a prototype in history, the Supreme Court of the United States. Following a discussion on the genesis of the Supreme Court, the volume is divided into six parts, entitled: Original Jurisdiction; Appellate Jurisdiction over Ordinary Federal Courts; Appellate Jurisdiction over Special Federal Courts; Appellate Jurisdiction over State Courts; the Great Writs; and Procedure in the Supreme Court. The rules of the Supreme Court and a valuable list of practical forms are appended.

Perhaps the most striking feature of the work—certainly the richest in philosophic interest—is the preface, which contains a résumé of the leading cases from the organization of the court to the present time; and indicates the process of development through which the most important aspect of that tribunal arose from the distinctively American invention known as constitutional limitations on legislative powers. Not until thirteen years after the organization of the Supreme Court was the first attempt made, in *Marbury v. Madison*, to put the stamp of nullity upon a national law, and not until twenty years after its organization was it sought, in *Fletcher v. Peck*, to nullify a state law, in both cases by reason of repugnancy to the Federal Constitution. The present powers of the Supreme Court are the gradual outcome of our political conditions, and the momentous results have been finally attained largely through judicial legislation. Dr. Taylor does not apprehend that judge-made law may eventually undermine the Constitution. He believes it to be an essential agency of government—an agency which "silently expanded and adapted the primitive and unelastic codes of Rome and England to the ever increasing wants of progressive societies."*

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J. C. D.

* See Maine, *Ancient Law*, pages 23-27.